

**United States Bankruptcy Court
Central District of California**

255 East Temple Street, Los Angeles, CA 90012

**ORDER AND NOTICE OF ENTRY OF ORDER
DENYING MOTION TO APPROVE REAFFIRMATION AGREEMENT**

DEBTOR(S) INFORMATION:

Frank Rocco Chimenti
aka Frank Chimenti, aka Frank R Chimenti
SSN: xxx-xx-8456
EIN: N/A
Mara Liz Chimenti
aka Mara Chimenti, aka Mara L Chimenti
SSN: xxx-xx-3913
32 River Rock Court
Azusa, CA 91702

BANKRUPTCY NO. 2:23-bk-12263-DS
CHAPTER 7

- (1) Debtor filed, as docket entry # 22 , a Motion for Approval of Reaffirmation Agreement ("Motion") concerning a debt owing to AmeriCredit Financial Services, Inc. dba GM Financial (*name of creditor*).
- (2) The Court provided notice of and held a hearing on whether it would grant the Motion.
- (3) Basis for denial of the Motion:
 - ☒ Debtor did not appear at the hearing.
 - ☐ Debtor voluntarily dismissed the Motion.
 - ☐ Approval of the Reaffirmation Agreement would impose an undue hardship on debtor or a dependent of debtor.
 - ☐ Approval of the Reaffirmation Agreement would not be in debtor's best interest.
 - ☐ A copy of the installment sale contract between the parties was not presented to the Court in support of the Reaffirmation Agreement, and therefore, this Court could not determine whether filing bankruptcy is an event of default under the contract. Accordingly, the creditor may not repossess the debtor's vehicle in reliance upon 11 U.S.C. § 521(d) without further order of this Court.
- (4) Based upon the foregoing, and pursuant to 11 U.S.C. § 524, **IT IS ORDERED** that the Motion is denied, reaffirmation of the debt is not approved, and the Reaffirmation Agreement is unenforceable.

FOR THE COURT,

Kathleen J. Campbell
Clerk of Court

Dated: August 31, 2023